



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

July 9, 2010

Debra J. Ford
Freedom of Information Officer
Village of Northbrook
1225 Cedar Lane
Northbrook, Illinois 60062

Re: Pre-Authorization Request 2010 PAC 8247

Dear Ms. Ford:

We have received and reviewed the written notice from the Village of Northbrook (Village) of its intention to deny disclosure of certain documents as exempt under Section 7(1)(f) of the Freedom of Information Act. 5 ILCS 140/1 *et seq.*, as amended (FOIA).

Howard Handler submitted a FOIA request on June 21, 2010 seeking in part "[t]he minutes (even if unapproved)...of the June 10, 2010 Architectural Control Commission only as it relates to agenda item four (4)." In its written notice, the Village asserts that these documents are exempt from disclosure under Section 7(1)(f) of FOIA as "[t]he minutes for the June 10, 2010 meeting have not been approved by the Commission and are a preliminary draft document."

Section 7(1)(f) of FOIA exempts from disclosure records that constitute "[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record shall not be exempt when the record is publicly cited and identified by the head of the public body." 5 ILCS 140/7(1)(f).

Determination

The Department's use of the exemption in Section 7(1)(f) of FOIA to deny disclosure of the Architectural Control Commission's June 10, 2010 meeting minutes is approved. We have determined that until meeting minutes are approved by a public body, they are considered a preliminary draft for purposes of Section 7(1)(f) of FOIA. In addition, Section 2.06 of the Open Meetings Act provides that "[t]he minutes of meetings open to the public shall be available for public inspection within 7 days of the approval of such minutes by the public body." 5 ILCS 120/2.06. Thus, this document is considered exempt from disclosure under Section 7(1)(f) of FOIA.

Accordingly, the Village may issue a partial denial letter withholding from disclosure the unapproved meeting minutes of the June 10, 2010 meeting of the Architectural Control Commission.

If you have any questions, please feel free to contact me at (312) 814-1003. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: 

 Jessica O'Leary
Assistant Attorney General

cc: Howard Handler
Government Affairs Director
North Shore – Barrington Association of REALTORS
450 Skokie Boulevard, Building 1200
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